

“Population encroachment and rights-of-way” for “Population encroachment” in item 60127 and added items 60129 to 60133.

1996—Pub. L. 104–304, §§ 5(f)(b), 15(c)(b), 16(b), 18(b)(2), 20(e), Oct. 12, 1996, 110 Stat. 3800, 3803, 3804, substituted “State pipeline safety program certifications” for “State certifications” in item 60105, “State pipeline safety agreements” for “State agreements” in item 60106, “State pipeline safety grants” for “State grants” in item 60107, and “Biennial reports” for “Annual reports” in item 60124 and added items 60126, 60127, and 60128.

EXPEDITING REVIEW OF PIPELINE PROJECTS FROM CUSHING, OKLAHOMA, TO PORT ARTHUR, TEXAS, AND OTHER DOMESTIC PIPELINE INFRASTRUCTURE PROJECTS

Memorandum of President of the United States, Mar. 22, 2012, 77 F.R. 18891, provided:

Memorandum for the Heads of Executive Departments and Agencies

In an economy that relies on oil, rising prices at the pump affect all of us. With crude oil prices controlling about three-quarters of gasoline prices, the most important driver of the price here at home is the world oil price—making our economy vulnerable to events halfway around the globe. There are no quick fixes to this problem. In the long run we need to reduce America’s dependence on oil—which is why my Administration is implementing historic fuel economy standards for cars and trucks, launching new programs to improve energy efficiency in our buildings, and facilitating the safe and responsible development of our natural gas resources.

But for the foreseeable future, we will continue to rely on oil to help fuel our transportation system. As a result, we must safely and responsibly develop our oil resources here at home, as part of an all-of-the-above energy strategy to grow our economy and make us more secure.

Because of rising oil production, more efficient cars and trucks, and a world-class refining sector that last year was a net exporter of petroleum products for the first time in 60 years, we have cut net imports by a million barrels a day in the last year alone. By reducing our dependence on foreign oil, we will make our Nation more secure and improve our trade balance—creating jobs and supporting domestic industry.

In order to realize these potential benefits, we need an energy infrastructure system that can keep pace with advances in production. To promote American energy sources, we must not only extract oil—we must also be able to transport it to our world-class refineries, and ultimately to consumers.

The need for infrastructure is particularly acute right now. Because of advances in drilling technology that allow us to tap new oil deposits, we are producing more oil from unconventional sources—places like the Eagle Ford Shale in South Texas, where production grew by more than 200 percent last year, or the Bakken formation of North Dakota and Montana, where output has increased tenfold in the last 5 years alone. In States like North Dakota, Montana, and Colorado, rising production is outpacing the capacity of pipelines to deliver the oil to refineries.

Cushing, Oklahoma, is a prime example. There, in part due to rising domestic production, more oil is flowing in than can flow out, creating a bottleneck that is dampening incentives for new production while restricting oil from reaching state-of-the-art refineries on the Gulf Coast. Moving forward on a pipeline from Cushing to Port Arthur, Texas, could create jobs, promote American energy production, and ultimately benefit consumers.

Although expanding and modernizing our Nation’s pipeline infrastructure will not lower prices right away, it is a vital part of a sustained strategy to continue to reduce our reliance on foreign oil and enhance our Nation’s energy security. Therefore, as part of my Administration’s broader efforts to improve the performance of Federal permitting and review processes, we must make pipeline infrastructure a priority, ensur-

ing the health, safety, and security of communities and the environment while supporting projects that can contribute to economic growth and a secure energy future. In doing so, the Federal Government must work in partnership with State, local, and tribal governments, which play a central role in the siting and permitting of pipelines; and, we must protect our natural resources and address the concerns of local communities.

SECTION 1. Expedited Review of Pipeline Projects from Cushing to Port Arthur and Other Domestic Pipeline Infrastructure Projects. (a) To address the existing bottleneck in Cushing, as well as other current or anticipated bottlenecks, agencies shall, to the maximum extent practicable and consistent with available resources and applicable laws (including those relating to public safety, public health, and environmental protection), coordinate and expedite their reviews, consultations, and other processes as necessary to expedite decisions related to domestic pipeline infrastructure projects that would contribute to a more efficient domestic pipeline system for the transportation of crude oil, such as a pipeline from Cushing to Port Arthur. This subsection shall be implemented consistent with my Executive Order of March 22, 2012 (Improving Performance of Federal Permitting and Review of Infrastructure Projects), and applicable projects shall have their status tracked on the online Federal Infrastructure Projects Dashboard referenced therein.

(b) In expediting reviews pursuant to subsection (a) of this section, agencies shall, to the maximum extent practicable and consistent with applicable law, utilize and incorporate information from prior environmental reviews and studies conducted in connection with previous applications for similar or overlapping infrastructure projects so as to avoid duplicating effort.

SEC. 2. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to a department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget related to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Director of the Office of Management and Budget is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 60101. Definitions

(a) **GENERAL.**—In this chapter—

(1) “existing liquefied natural gas facility”—

(A) means a liquefied natural gas facility for which an application to approve the site, construction, or operation of the facility was filed before March 1, 1978, with—

(i) the Federal Energy Regulatory Commission (or any predecessor); or

(ii) the appropriate State or local authority, if the facility is not subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.); but

(B) does not include a facility on which construction is begun after November 29, 1979, without the approval;

(2) “gas” means natural gas, flammable gas, or toxic or corrosive gas;

(3) “gas pipeline facility” includes a pipeline, a right of way, a facility, a building, or equipment used in transporting gas or treating gas during its transportation;

(4) “hazardous liquid” means—

(A) petroleum or a petroleum product;

(B) nonpetroleum fuel, including biofuel, that is flammable, toxic, or corrosive or would be harmful to the environment if released in significant quantities; and

(C) a substance the Secretary of Transportation decides may pose an unreasonable risk to life or property when transported by a hazardous liquid pipeline facility in a liquid state (except for liquefied natural gas);

(5) “hazardous liquid pipeline facility” includes a pipeline, a right of way, a facility, a building, or equipment used or intended to be used in transporting hazardous liquid;

(6) “interstate gas pipeline facility” means a gas pipeline facility—

(A) used to transport gas; and

(B) subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.);

(7) “interstate hazardous liquid pipeline facility” means a hazardous liquid pipeline facility used to transport hazardous liquid in interstate or foreign commerce;

(8) “interstate or foreign commerce”—

(A) related to gas, means commerce—

(i) between a place in a State and a place outside that State; or

(ii) that affects any commerce described in subclause (A)(i) of this clause; and

(B) related to hazardous liquid, means commerce between—

(i) a place in a State and a place outside that State; or

(ii) places in the same State through a place outside the State;

(9) “intrastate gas pipeline facility” means a gas pipeline facility and transportation of gas within a State not subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.);

(10) “intrastate hazardous liquid pipeline facility” means a hazardous liquid pipeline facility that is not an interstate hazardous liquid pipeline facility;

(11) “liquefied natural gas” means natural gas in a liquid or semisolid state;

(12) “liquefied natural gas accident” means a release, burning, or explosion of liquefied natural gas from any cause, except a release, burning, or explosion that, under regulations prescribed by the Secretary, does not pose a threat to public health or safety, property, or the environment;

(13) “liquefied natural gas conversion” means conversion of natural gas into liquefied natural gas or conversion of liquefied natural gas into natural gas;

(14) “liquefied natural gas pipeline facility”—

(A) means a gas pipeline facility used for transporting or storing liquefied natural gas, or for liquefied natural gas conversion, in interstate or foreign commerce; but

(B) does not include any part of a structure or equipment located in navigable waters (as defined in section 3 of the Federal Power Act (16 U.S.C. 796));

(15) “municipality” means a political subdivision of a State;

(16) “new liquefied natural gas pipeline facility” means a liquefied natural gas pipeline facility except an existing liquefied natural gas pipeline facility;

(17) “person”, in addition to its meaning under section 1 of title 1 (except as to societies), includes a State, a municipality, and a trustee, receiver, assignee, or personal representative of a person;

(18) “pipeline facility” means a gas pipeline facility and a hazardous liquid pipeline facility;

(19) “pipeline transportation” means transporting gas and transporting hazardous liquid;

(20) “State” means a State of the United States, the District of Columbia, and Puerto Rico;

(21) “transporting gas”—

(A) means—

(i) the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in interstate or foreign commerce; and

(ii) the movement of gas through regulated gathering lines; but

(B) does not include gathering gas (except through regulated gathering lines) in a rural area outside a populated area designated by the Secretary as a nonrural area;

(22) “transporting hazardous liquid”—

(A) means—

(i) the movement of hazardous liquid by pipeline, or the storage of hazardous liquid incidental to the movement of hazardous liquid by pipeline, in or affecting interstate or foreign commerce; and

(ii) the movement of hazardous liquid through regulated gathering lines; but

(B) does not include moving hazardous liquid through—

(i) gathering lines (except regulated gathering lines) in a rural area;

(ii) onshore production, refining, or manufacturing facilities; or

(iii) storage or in-plant piping systems associated with onshore production, refining, or manufacturing facilities;

(23) “risk management” means the systematic application, by the owner or operator of a pipeline facility, of management policies, procedures, finite resources, and practices to the tasks of identifying, analyzing, assessing, reducing, and controlling risk in order to protect employees, the general public, the environment, and pipeline facilities;

(24) “risk management plan” means a management plan utilized by a gas or hazardous liquid pipeline facility owner or operator that encompasses risk management;

(25) “Secretary” means the Secretary of Transportation; and

(26) “underground natural gas storage facility” means a gas pipeline facility that stores

natural gas in an underground facility, including—

- (A) a depleted hydrocarbon reservoir;
- (B) an aquifer reservoir; or
- (C) a solution-mined salt cavern reservoir.

(b) GATHERING LINES.—(1)(A) Not later than October 24, 1994, the Secretary shall prescribe standards defining the term “gathering line”.

(B) In defining “gathering line” for gas, the Secretary—

- (i) shall consider functional and operational characteristics of the lines to be included in the definition; and
- (ii) is not bound by a classification the Commission establishes under the Natural Gas Act (15 U.S.C. 717 et seq.).

(2)(A) Not later than October 24, 1995, the Secretary, if appropriate, shall prescribe standards defining the term “regulated gathering line”. In defining the term, the Secretary shall consider factors such as location, length of line from the well site, operating pressure, throughput, and the composition of the transported gas or hazardous liquid, as appropriate, in deciding on the types of lines that functionally are gathering but should be regulated under this chapter because of specific physical characteristics.

(B)(i) The Secretary also shall consider diameter when defining “regulated gathering line” for hazardous liquid.

(ii) The definition of “regulated gathering line” for hazardous liquid may not include a crude oil gathering line that has a nominal diameter of not more than 6 inches, is operated at low pressure, and is located in a rural area that is not unusually sensitive to environmental damage.

(Pub. L. 103–272, §§1(e), 4(s), July 5, 1994, 108 Stat. 1301, 1371; Pub. L. 104–287, §5(90), Oct. 11, 1996, 110 Stat. 3398; Pub. L. 104–304, §§3, 20(f), Oct. 12, 1996, 110 Stat. 3793, 3805; Pub. L. 109–468, §7, Dec. 29, 2006, 120 Stat. 3491; Pub. L. 112–90, §14, Jan. 3, 2012, 125 Stat. 1914; Pub. L. 114–183, §12(a), June 22, 2016, 130 Stat. 522.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272, §1(e)

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60101(a)(1) ...	49 App.:1671(10).	Aug. 12, 1968, Pub. L. 90–481, §2(10), 82 Stat. 720; Oct. 11, 1976, Pub. L. 94–477, §3(2), 90 Stat. 2073; Nov. 30, 1979, Pub. L. 96–129, §151, 93 Stat. 998.
	49 App.:1671(14).	Aug. 12, 1968, Pub. L. 90–481, 82 Stat. 720, §2(11)–(17); added Nov. 30, 1979, Pub. L. 96–129, §151, 93 Stat. 998.
	49 App.:2001(11).	Nov. 30, 1979, Pub. L. 96–129, §202(1)–(4) (1st–27th words), (5)–(9), (11), 93 Stat. 1003, 1004.
60101(a)(2) ...	49 App.:1671(2).	Aug. 12, 1968, Pub. L. 90–481, §2(1), (2), (4) (1st–32d words), (5), (6), 82 Stat. 720.
60101(a)(3) ...	49 App.:1671(4) (1st–32d words).	
60101(a)(4) ...	49 App.:2001(2).	
60101(a)(5) ...	49 App.:2001(4) (1st–27th words).	
60101(a)(6) ...	49 App.:1671(8).	Aug. 12, 1968, Pub. L. 90–481, §2(8), 82 Stat. 720; Oct. 11, 1976, Pub. L. 94–477, §3(1), 90 Stat. 2073; Nov. 30, 1979, Pub. L. 96–129, §109(b) (related to §2(8)), 93 Stat. 996.

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103–272, §1(e)

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60101(a)(7) ...	49 App.:2001(5).	
60101(a)(8)(A).	49 App.:1671(17).	
60101(a)(8)(B).	49 App.:2001(7).	
60101(a)(9) ...	49 App.:1671(9).	Aug. 12, 1968, Pub. L. 90–481, 82 Stat. 720, §2(9); added Oct. 11, 1976, Pub. L. 94–477, §3(2), 90 Stat. 2073; Nov. 30, 1979, Pub. L. 96–129, §109(b) (related to §2(9)), 151, 93 Stat. 996, 998.
60101(a)(10) ..	49 App.:2001(6).	
60101(a)(11) ..	49 App.:1671(11).	
60101(a)(12) ..	49 App.:1671(16).	
60101(a)(13) ..	49 App.:1671(13).	
60101(a)(14) ..	49 App.:1671(12).	
60101(a)(15) ..	49 App.:1671(6).	
60101(a)(16) ..	49 App.:2001(9).	
60101(a)(17) ..	49 App.:1671(15).	
60101(a)(18).	49 App.:1671(1).	
(19).	49 App.:2001(1) (no source).	
60101(a)(20) ..	49 App.:1671(5).	
60101(a)(21) ..	49 App.:2001(8).	
	49 App.:1671(3).	Aug. 12, 1968, Pub. L. 90–481, §2(3), 82 Stat. 720; Nov. 30, 1979, Pub. L. 96–129, §152(b)(1), 93 Stat. 1001.
60101(a)(22) ..	49 App.:2001(3).	
60101(b)	49 App.:1688.	Aug. 12, 1968, Pub. L. 90–481, 82 Stat. 720, §21; added Oct. 24, 1992, Pub. L. 102–508, §109(b), 106 Stat. 3295.
	49 App.:2016.	Nov. 30, 1979, Pub. L. 96–129, 93 Stat. 989, §220; added Oct. 24, 1992, Pub. L. 102–508, §208(b), 106 Stat. 3303.

In this chapter, the words “liquefied natural gas” are substituted for “LNG” for clarity. The word “authority” is substituted for “agency” for consistency in the revised title and with other titles of the United States Code. The words “gas” and “hazardous liquid” are added where applicable because of the restatement.

In subsection (a), before clause (1), the text of 49 App.:1671(10) and 2001(11) is omitted because the complete name of the Secretary of Transportation is used the first time the term appears in a section. The words “As used” are omitted as surplus. In clause (1)(A), the words “Federal Energy Regulatory Commission” and “Commission” are substituted for “Department of Energy” because under 42:7171(a) and 7172(a)(1) the Commission is statutorily independent of the Department and has the responsibility for siting, construction, and operating applications. In clauses (3) and (5), the words “without limitation, new and existing” are omitted as surplus. In clause (4)(B), the words “or material” are omitted as surplus. In clause (6), before subclause (A), the word “pipeline” is substituted for “transmission” for clarity and consistency. In clause (8)(A), before subclause (i), the words “trade, traffic, transportation, exchange, or other” are omitted as surplus. In subclause (ii), the words “trade, transportation, exchange, or other” are omitted as surplus. In clause (8)(B), the word “place” is substituted for “point” for clarity and consistency in the revised title. In clause (9), before subclause (A), the word “facility” is substituted for “transportation” for clarity and consistency. In clause (12), the words “resulting from” and the text of 49 App.:1671(16)(A)–(D) are omitted as surplus. In clause (13), the words “(liquefaction or solidification)” and “(vaporization)” are omitted as surplus. In clauses (14) and (16), the word “pipeline” is added for clarity. In clause (15), the words “city, county, or any other” are omitted as surplus. In clause (17), the words “in addition to its meaning under section 1 of title 1 (except as to societies)” are substituted for “any individual, firm, joint venture, partnership, corporation, association . . . cooperative association, or joint stock association” to eliminate unnecessary words, for clarity, and

for consistency in the revised title and with other titles of the Code. Clauses (18) and (19) are added because of the restatement. In clause (20), the words “of the United States” are substituted for “of the several” for consistency in the revised title and with other titles of the Code. In clause (21)(B), the words “outside a populated area” are substituted for “which lie outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development, or any similar populated area” to eliminate unnecessary words. In clause (22)(B)(i), the word “area” is substituted for “locations” for consistency.

PUB. L. 103–272, §4(s)

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60101(a)(21), (22).	49 App.:1671 (note). 49 App.:2001 (note).	Oct. 24, 1992, Pub. L. 102–508, §109(a), 106 Stat. 3294. Oct. 24, 1992, Pub. L. 102–508, §208(a), 106 Stat. 3303.

Section 4(s) reflects an amendment to the restatement required by sections 109(a) and 208(a) of the Pipeline Safety Act of 1992 (Public Law 102–508, 106 Stat. 3294, 3303).

PUB. L. 104–287

This amends 49:60101 for consistency with the style of title 49.

REFERENCES IN TEXT

The Natural Gas Act, referred to in subsecs. (a)(1)(A)(ii), (6)(B), (9) and (b)(1)(B)(ii), is act June 21, 1938, ch. 556, 52 Stat. 821, which is classified generally to chapter 15B (§717 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 717w of Title 15 and Tables.

CODIFICATION

The amendments by section 4(s) of Pub. L. 103–272 to pars. (21) and (22) of subsec. (a) of this section were executed after the amendments by Pub. L. 104–304 to those pars. pursuant to the effective date provisions of section 4(s). See Effective Date of 1994 Amendment note and 1994 and 1996 Amendment notes below.

AMENDMENTS

2016—Subsec. (a)(21)(B). Pub. L. 114–183, §12(a)(1), substituted “nonrural area;” for “nonrural area.”

Subsec. (a)(22)(B)(iii). Pub. L. 114–183, §12(a)(2), substituted “facilities;” for “facilities.”

Subsec. (a)(26). Pub. L. 114–183, §12(a)(3)–(5), added par. (26).

2012—Subsec. (a)(4)(B), (C). Pub. L. 112–90 added subpar. (B) and redesignated former subpar. (B) as (C).

2006—Subsec. (a)(6). Pub. L. 109–468, §7(1), added par. (6) and struck out former par. (6) which defined “interstate gas pipeline facility”.

Subsec. (a)(9). Pub. L. 109–468, §7(2), added par. (9) and struck out former par. (9) which defined “intrastate gas pipeline facility”.

1996—Subsec. (a). Pub. L. 104–287 inserted heading.

Subsec. (a)(1) to (20). Pub. L. 104–304, §3(a)(1), substituted semicolon for period at end of pars. (1) to (20).

Subsec. (a)(21)(B). Pub. L. 104–304, §3(a)(2), added subpar. (B) and struck out former subpar. (B) which read as follows: “does not include gathering gas in a rural area outside a populated area designated by the Secretary as a nonrural area;”. See Codification note above.

Pub. L. 104–304, §3(a)(1), substituted semicolon for period at end. See Codification note above.

Subsec. (a)(22). Pub. L. 104–304, §3(a)(1), substituted semicolon for period at end. See Codification note above.

Subsec. (a)(23) to (25). Pub. L. 104–304, §3(a)(3), added pars. (23) to (25).

Subsec. (b)(1)(A). Pub. L. 104–304, §20(f), substituted “prescribe standards defining” for “define by regulation”.

Subsec. (b)(2)(A). Pub. L. 104–304, §§3(b), 20(f), inserted “, if appropriate,” after “Not later than October 24, 1995, the Secretary” and substituted “prescribe standards defining” for “define by regulation”.

1994—Subsec. (a)(21), (22). Pub. L. 103–272, §4(s), amended pars. (21) and (22) generally. Prior to amendment, pars. (21) and (22) defined “transporting gas” and “transporting hazardous liquid”.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103–272, §4(s), July 5, 1994, 108 Stat. 1371, provided that the amendment made by that section is effective on the date the regulation required under subsec. (b) of this section is effective. See regulations effective Apr. 14, 2006, 71 F.R. 13289, and July 3, 2008, 73 F.R. 31634.

SHORT TITLE OF 2016 AMENDMENT

Pub. L. 114–183, §1(a), June 22, 2016, 130 Stat. 514, provided that: “This Act [enacting sections 60141 and 60302 of this title, amending this section and sections 6107, 60103, 60106 to 60109, 60115, 60117, 60124, 60125, and 60130 of this title, enacting provisions set out as notes under sections 108, 60102, 60103, 60108, 60109, and 60117 of this title, and amending provisions set out as a note under this section] may be cited as the ‘Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016’ or the ‘PIPES Act of 2016’.”

SHORT TITLE OF 2012 AMENDMENT

Pub. L. 112–90, §1(a), Jan. 3, 2012, 125 Stat. 1904, provided that: “This Act [enacting sections 60138 to 60140 of this title, amending this section, sections 6103, 6107, 60102, 60107 to 60109, 60117 to 60120, 60122, 60125, 60130, 60132, and 60134 of this title, and section 1321 of Title 33, Navigation and Navigable Waters, enacting provisions set out as notes under this section and sections 6103, 60108, 60109, 60117, and 60132 of this title, and amending provisions set out as a note under this section] may be cited as the ‘Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011’.”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109–468, §1(a), Dec. 29, 2006, 120 Stat. 3486, provided that: “This Act [enacting sections 6109 and 60134 to 60137 of this title, amending this section and sections 6107, 60102, 60105, 60107, 60109, 60114, 60117, 60118, 60122, 60125, and 60130 of this title, enacting provisions set out as notes under this section and sections 60102 and 60117 of this title, and amending provisions set out as a note under this section] may be cited as the ‘Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006’.”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107–355, §1(a), Dec. 17, 2002, 116 Stat. 2985, provided that: “This Act [enacting sections 60129 to 60133 of this title, amending sections 6103 to 6105, 6107, 60102, 60104, 60106, 60109, 60110, 60112, 60114 to 60118, 60120, 60122, 60123, 60125, and 60127 of this title, and enacting provisions set out as notes under sections 1135, 60101, 60102, 60108, 60109, 60114, 60122, and 60131 of this title and section 717m of Title 15, Commerce and Trade] may be cited as the ‘Pipeline Safety Improvement Act of 2002’.”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–304, §1, Oct. 12, 1996, 110 Stat. 3793, provided that: “This Act [enacting sections 60126 to 60128 of this title, amending this section and sections 60102, 60105 to 60110, 60113 to 60118, 60123 to 60125 of this title, and enacting provisions set out as a note under section 60301 of this title] may be cited as the ‘Accountable Pipeline Safety and Partnership Act of 1996’.”

TRANSFER OF FUNCTIONS

For transfer of duties, powers, and authority of Research and Special Programs Administration under this

chapter to the Administrator of the Pipeline and Hazardous Materials Safety Administration, see section 2(b) of Pub. L. 108-426, set out as a note under section 108 of this title.

TECHNICAL ASSISTANCE PROGRAM

Pub. L. 109-468, §24, Dec. 29, 2006, 120 Stat. 3500, provided that:

“(a) IN GENERAL.—The Secretary of Transportation may award, through a competitive process, grants to universities with expertise in pipeline safety and security to establish jointly a collaborative program to conduct pipeline safety and technical assistance programs.

“(b) DUTIES.—In cooperation with the Pipeline and Hazardous Materials Safety Administration and representatives from States and boards of public utilities, the participants in the collaborative program established under subsection (a) shall be responsible for development of workforce training and technical assistance programs through statewide and regional partnerships that provide for—

“(1) communication of national, State, and local safety information to pipeline operators;

“(2) distribution of technical resources and training to support current and future Federal mandates; and

“(3) evaluation of program outcomes.

“(c) TRAINING AND EDUCATIONAL MATERIALS.—The collaborative program established under subsection (a) may include courses in recent developments, techniques, and procedures related to—

“(1) safety and security of pipeline systems;

“(2) incident and risk management for such systems;

“(3) integrity management for such systems;

“(4) consequence modeling for such systems;

“(5) detection of encroachments and monitoring of rights-of-way for such systems; and

“(6) vulnerability assessment of such systems at both project and national levels.

“(d) REPORTS.—

“(1) UNIVERSITY.—Not later than March 31, 2009, the universities awarded grants under subsection (a) shall submit to the Secretary a report on the results of the collaborative program.

“(2) SECRETARY.—Not later than October 1, 2009, the Secretary shall transmit the reports submitted to the Secretary under paragraph (1), along with any findings, recommendations, or legislative options for Congress to consider, to the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2010.”

PIPELINE INTEGRITY, SAFETY, AND RELIABILITY RESEARCH AND DEVELOPMENT

Pub. L. 107-355, §12, Dec. 17, 2002, 116 Stat. 2997, as amended by Pub. L. 109-468, §26, Dec. 29, 2006, 120 Stat. 3501; Pub. L. 112-90, §32(f), Jan. 3, 2012, 125 Stat. 1923; Pub. L. 114-183, §2(e), 22(b)(2), June 22, 2016, 130 Stat. 516, 529, provided that:

“(a) IN GENERAL.—The heads of the participating agencies shall carry out a program of research, development, demonstration, and standardization to ensure the integrity of pipeline facilities.

“(b) MEMORANDUM OF UNDERSTANDING.—

“(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act [Dec. 17, 2002], the heads of the participating agencies shall enter into a memorandum of understanding detailing their respective responsibilities in the program authorized by subsection (a).

“(2) AREAS OF EXPERTISE.—Under the memorandum of understanding, each of the participating agencies

shall have the primary responsibility for ensuring that the elements of the program within its expertise are implemented in accordance with this section. The Department of Transportation’s responsibilities shall reflect its lead role in pipeline safety and expertise in pipeline inspection, integrity management, and damage prevention. The Department of Energy’s responsibilities shall reflect its expertise in system reliability, low-volume gas leak detection, and surveillance technologies. The National Institute of Standards and Technology’s responsibilities shall reflect its expertise in materials research and assisting in the development of consensus technical standards, as that term is used in section 12(d)(4) [probably should be “12(d)(5)”] of Public Law 104-13 [Pub. L. 104-113] (15 U.S.C. 272 note).

“(c) PROGRAM ELEMENTS.—The program authorized by subsection (a) shall include research, development, demonstration, and standardization activities related to—

“(1) materials inspection;

“(2) stress and fracture analysis, detection of cracks, abrasion, and other abnormalities inside pipelines that lead to pipeline failure, and development of new equipment or technologies that are inserted into pipelines to detect anomalies;

“(3) internal inspection and leak detection technologies, including detection of leaks at very low volumes;

“(4) methods of analyzing content of pipeline throughput;

“(5) pipeline security, including improving the real-time surveillance of pipeline rights-of-way, developing tools for evaluating and enhancing pipeline security and infrastructure, reducing natural, technological, and terrorist threats, and protecting first response units and persons near an incident;

“(6) risk assessment methodology, including vulnerability assessment and reduction of third-party damage;

“(7) communication, control, and information systems surety;

“(8) fire safety of pipelines;

“(9) improved excavation, construction, and repair technologies;

“(10) corrosion detection and improving methods, best practices, and technologies for identifying, detecting, preventing, and managing internal and external corrosion and other safety risks; and

“(11) other appropriate elements.

The results of activities carried out under paragraph (10) shall be used by the participating agencies to support development and improvement of national consensus standards.

“(d) PROGRAM PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section [Dec. 17, 2002], the Secretary of Transportation, in coordination with the Secretary of Energy and the Director of the National Institute of Standards and Technology, shall prepare and transmit to Congress a 5-year program plan to guide activities under this section. Such program plan shall be submitted to the Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee for review, and the report to Congress shall include the comments of the committees. The 5-year program plan shall be based on the memorandum of understanding under subsection (b) and take into account related activities of other Federal agencies.

“(2) CONSULTATION.—In preparing the program plan and selecting and prioritizing appropriate project proposals, the Secretary of Transportation shall consult with or seek the advice of appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries, utilities, manufacturers, institutions of higher learning, Federal agencies, pipeline research institutions, national laboratories, State pipeline safety officials, labor organizations, environmental organizations, pipeline safety advocates, and professional and technical societies.

“(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—

“(A) IN GENERAL.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation, in coordination with the Director of the National Institute of Standards and Technology, as appropriate, shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program every 2 years. The biennial report shall include a summary of updated research needs and priorities identified through the consultation requirements of paragraph (2).

“(B) CONSULTATION.—The Secretary shall comply with the consultation requirements of paragraph (2) when preparing the program plan and in the selection and prioritization of research and development projects.

“(C) FUNDING FROM NON-FEDERAL SOURCES.—The Secretary shall ensure that—

“(i) at least 30 percent of the costs of technology research and development activities may be carried out using non-Federal sources;

“(ii) at least 20 percent of the costs of basic research and development with universities may be carried out using non-Federal sources; and

“(iii) up to 100 percent of the costs of research and development for purely governmental purposes may be carried out using Federal funds.

“(e) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this Act [Dec. 17, 2002], and annually thereafter, the heads of the participating agencies shall transmit jointly to Congress a report on the status and results to date of the implementation of the program plan prepared under subsection (d).

“(f) PIPELINE INTEGRITY PROGRAM.—Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), \$3,000,000 shall be transferred to the Secretary of Transportation, as provided in appropriation Acts, to carry out programs for detection, prevention, and mitigation of oil spills for each of the fiscal years 2016 through 2019.

“(g) PARTICIPATING AGENCIES DEFINED.—In this section, the term ‘participating agencies’ means the Department of Transportation, the Department of Energy, and the National Institute of Standards and Technology.

“(h) INDEPENDENT EXPERTS.—Not later than 180 days after the date of enactment of the PIPES Act of 2016 [June 22, 2016], the Secretary shall—

“(1) implement processes and procedures to ensure that activities listed under subsection (c), to the greatest extent practicable, produce results that are peer-reviewed by independent experts and not by persons or entities that have a financial interest in the pipeline, petroleum, or natural gas industries, or that would be directly impacted by the results of the projects; and

“(2) submit to the Committee on Transportation and Infrastructure, the Committee on Energy and Commerce, and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the processes and procedures implemented under paragraph (1).

“(i) CONFLICT OF INTEREST.—The Secretary shall take all practical steps to ensure that each recipient of an agreement under this section discloses in writing to the Secretary any conflict of interest on a research and development project carried out under this section, and includes any such disclosure as part of the final deliverable pursuant to such agreement. The Secretary may not make an award under this section directly to a pipeline owner or operator that is regulated by the Pipeline and Hazardous Materials Safety Administration or a State-certified regulatory authority if there is a conflict of interest relating to such owner or operator.”

DEFINITIONS

Pub. L. 112-90, §1(c), Jan. 3, 2012, 125 Stat. 1904, provided that:

“(1) APPLICABILITY OF CHAPTER 601 DEFINITIONS.—In this Act [see Short Title of 2012 Amendment note above], any term defined in chapter 601 of title 49, United States Code, has the meaning given that term in that chapter.

“(2) HIGH-CONSEQUENCE AREA.—In this Act, the term ‘high-consequence area’ means an area described in section 60109(a) of title 49, United States Code.”

§ 60102. Purpose and general authority

(a) PURPOSE AND MINIMUM SAFETY STANDARDS.—

(1) PURPOSE.—The purpose of this chapter is to provide adequate protection against risks to life and property posed by pipeline transportation and pipeline facilities by improving the regulatory and enforcement authority of the Secretary of Transportation.

(2) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards for pipeline transportation and for pipeline facilities. The standards—

(A) apply to any or all of the owners or operators of pipeline facilities;

(B) may apply to the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities; and

(C) shall include a requirement that all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities.

(3) QUALIFICATIONS OF PIPELINE OPERATORS.—The qualifications applicable to an individual who operates and maintains a pipeline facility shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits. The operator of a pipeline facility shall ensure that employees who operate and maintain the facility are qualified to operate and maintain the pipeline facilities.

(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—

(1) IN GENERAL.—A standard prescribed under subsection (a) shall be—

(A) practicable; and

(B) designed to meet the need for—

(i) gas pipeline safety, or safely transporting hazardous liquids, as appropriate; and

(ii) protecting the environment.

(2) FACTORS FOR CONSIDERATION.—When prescribing any standard under this section or section 60101(b), 60103, 60108, 60109, 60110, or 60113, the Secretary shall consider—

(A) relevant available—

(i) gas pipeline safety information;

(ii) hazardous liquid pipeline safety information; and

(iii) environmental information;

(B) the appropriateness of the standard for the particular type of pipeline transportation or facility;

(C) the reasonableness of the standard;